

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1120 - SB 1593

March 5, 2021

SUMMARY OF ORIGINAL BILL: Authorizes the Joint Government Operations Committees (Committees) to recommend the Attorney General (AG) review the constitutionality of an executive order issued by the President of the United States if the order has not yet been signed into law.

Prohibits a state agency, political subdivision, or employee of the state or a political subdivision to implement an executive order that restricts a person's rights or that is determined by the AG to be unconstitutional if the order relates to: a pandemic or public health emergency, regulation of natural resources, agriculture, land use, financial sector through environmental or social standards, or the constitutional right to keep and bear arms.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – Federal funding may be jeopardized if state or local agencies are prohibited from complying with federal guidance that derives from an executive order that either restricts a person's rights or is found by the Attorney General to be unconstitutional. Due to multiple unknown factors, the timing and amount of any such jeopardy, or the specific funds that may be jeopardized cannot be determined with reasonable certainty.

SUMMARY OF AMENDMENT (004271): Deletes and rewrites all language after the enacting clause such that the substantive change is deleting the provision of the original bill prohibiting a state agency, political subdivision, or employee to implement an executive order that restricts a person's rights or that is determined by the AG to be unconstitutional.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The AG can review the constitutionality of an executive order by request of the Committees within existing resources.

- The Committees meet throughout the year; therefore, no additional meetings or travel expenses will be required for review of federal executive orders.
- No significant impact to state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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